

**Water Quality Control Division
Colorado Department of Public Health and Environment**

Recreational Use Classification Guidance

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RECREATIONAL USE CLASSIFICATION GUIDANCE

I. INTRODUCTION

Recreational use classifications are established by the Water Quality Control Commission (“Commission”) to avoid adverse impacts to human health from recreational activities.

The federal Clean Water Act (“CWA”) (33 USC section 1251 *et seq.*) established a goal that all waters be “suitable for recreation in and on the water.” EPA regulations have implemented this goal by requiring that water be protected for primary contact recreation unless it is demonstrated that such uses are not attainable. The Colorado Basic Standards and Methodologies for Surface Waters, Regulation No. 31 (“Basic Standards”) require that surface waters will be assigned a class 1a or 1b classification unless a use attainability analysis (“UAA”) demonstrates that there is not a reasonable potential for primary contact uses to occur within the next 20-year period. Further, the Basic Standards at 31.6(1)(e), states:

Classifications should be for the highest water quality attainable. Attainability is to be judged by whether or not the use classification can be attained in approximately twenty (20) years by any recognized control techniques that are environmentally, economically and socially acceptable as determined by the Commission after public hearings. As a minimum, uses are deemed attainable if they can be achieved by the imposition of effluent limits required under the federal Act for point sources and cost-effective and reasonable best management practices for nonpoint source control, in accordance with duly adopted regulations.

This document provides guidance regarding the assignment of recreational use classes based on current regulations and recent Commission decisions. This guidance document is just that, “guidance” for implementing the recreation classifications that are contained in the regulations. It is designed as a framework to provide a documented methodology and promote consistency in the assessment of recreational uses across the state. Special situations will be assessed on a case-by-case basis, and will be adequately documented to support the Commission’s site-specific decisions.

A. Background

The Commission adopted changes to the Basic Standards after a rulemaking hearing in July 2000. These changes included modifications to the recreational use classification structure. The proposal adopted by the Commission was the culmination of several years of general debate and one year of focused stakeholder workgroup effort. The Commission, acting on the proposal, moved from a two-class system to a three-class system.

The hearing processes for the South Platte, Laramie, Republican and Smoky Hill River Basins (Regulation No. 38), in November 2000, the San Juan and Dolores River Basins (Regulation No. 34), the Gunnison and Lower Dolores River Basins (Regulation No. 35), and the Lower Colorado River Basin (Regulation No. 37), which culminated in a rulemaking hearing in July 2001, resulted in more discussion and clarification of the Commission’s intent.

B. Classification Process

Water quality standards and classifications for individual water bodies or segments are contained in the Commission's regulations (Regulation Nos. 32-38). The Commission formally adopts revisions to recreation classifications and standards following public rulemaking hearings. In formulating its recommendations for any revisions to be considered in the rulemaking process, the Division seeks all available information regarding existing recreational uses of water bodies and factors that may affect potential uses. For example, the Division's watershed coordinators solicit such information from individuals and organizations within the relevant river basin as part of the periodic water quality standards review process.

In addition, the Division encourages others to develop information regarding existing and potential recreation uses and to provide that information to the Division. The Division is glad to answer questions about the application of this guidance and/or to provide feedback with respect to assessments that others may undertake. For more information regarding the water quality classifications and standards periodic review process, refer to the Water Quality Control Commission's web site at www.cdphe.state.co.us/op/wqcc/wqcchom.asp, or contact the Commission Office at 303-692-3469.

C. Terminology

In this guidance document and worksheet, the word "assessment" is used as a general term. Generally, "assessment" refers to the broad screening for existing uses and analysis of potential uses. The term "UAA" is used to refer to the legally required analysis that must occur before changing use classifications.

II. CURRENT RECREATION CLASSIFICATION AND STANDARDS PROVISIONS IN THE BASIC STANDARDS

A. Description of Classes

The primary contact recreation classification is divided into two sub categories: "class 1a" for waters with *existing* primary contact uses and "class 1b" for *potential* primary contact uses. Class 2 is secondary contact. The Basic Standards, at 31.13, states:

(a) Recreation

(i) Class 1 - Primary Contact

These surface waters are suitable or intended to become suitable for recreational activities in or on the water when the ingestion of small quantities of water is likely to occur. Such waters include but are not limited to those used for swimming, rafting, kayaking, tubing, windsurfing and water-skiing. Waters shall be presumed to be suitable for Class 1 uses and shall be assigned a class 1a or class 1b classification unless a use attainability analysis demonstrates that there is not a reasonable potential for primary contact uses to occur in the water segment(s) in question within the next 20-year period.

- I. **Class 1a - Existing Primary Contact:** Class 1a waters are those in which primary contact uses have been documented or are presumed to be present. Waters for which no use attainability analysis has been performed demonstrating that a recreation class 2 classification is appropriate shall be assigned a class 1a classification, unless a reasonable level of inquiry has failed to identify any existing class 1 uses of the water segment.
- II. **Class 1b - Potential Primary Contact:** This classification shall be assigned to water segments for which no use attainability analysis has been performed demonstrating that a recreation class 2 classification is appropriate, if a reasonable level of inquiry has failed to identify any existing class 1 uses of the water segment.

(ii) **Class 2 - Secondary Contact**

These surface waters are not suitable or intended to become suitable for primary contact recreation uses, but are suitable or intended to become suitable for recreational uses on or about the water which are not included in the primary contact subcategory, including but not limited to wading, fishing and other streamside or lakeside recreation.

Where a UAA that supports a Recreation 2 classification has not been developed, the class 1a is the default classification, unless a reasonable level of inquiry has failed to identify any existing primary contact uses. Where the reasonable level of inquiry does not identify existing primary contact uses, a Recreation 1b classification may be assigned. "Reasonable level of inquiry" is discussed below.

B. Numerical Standards for Protection of Recreational Uses

The standards change adopted in the 2000 Basic Standards hearing with respect to recreation uses is the addition of *Escherichia coli* as a pathogen indicator. Available studies indicate that *E. coli*, a subset of fecal coliform, is a better predictor of potential human health impacts from waterborne pathogens. In order to ease the transition for permitting, a dual system (both *E. coli* and fecal coliform) was adopted and will be used until the next major Basic Standards rulemaking hearing in 2005. For the purpose of assessing the attainment of standards, *E. coli* standards will be used, where possible. The following table presents the numerical standard for protection of recreational use classifications in Colorado.

Numerical Standard for Recreation Use Classifications (organisms per 100 ml, geometric mean)			
	Class 1a Existing Primary Contact Use or Default	Class 1b Potential Primary Contact Use	Class 2 Primary Contact Use is Not Attainable
E. coli	126	205	630
Fecal coliform	200	325	2000

The *E. coli* criteria established for the two primary contact subclasses are 126 and 205 col/100 ml. These levels were established by setting the risk of swimmer illness to 8 per

1000 swimmers for class 1a and 10 per 1000 swimmers for class 1b. Levels of fecal coliform were set at the same proportions as for E. coli. It is appropriate to provide a higher level of protection for those waters where primary contact uses are actually occurring. Both class 1a and class 1b meet EPA's criteria for "protection of recreation in and on the water," also known as the "swimmable" requirement.

The E. coli criteria for recreation class 2 is set at five times the level used to protect existing primary contact uses (class 1a). This is consistent with EPA guidance on this issue. (EPA's published CWA § 304(a) criteria for bacteria are contained in: Ambient Water Quality Criteria for Bacteria - 1986 (EPA440/5-84-002, January 1986).

III. IMPLEMENTATION OF THE BASIC STANDARDS

Class 1 recreational use is now divided into two sub-classes. Class 1a is defined as existing primary contact and is to be used for waters in which primary contact uses have been documented or are presumed to be present; Class 1a is the default classification where a recreational UAA demonstrating that recreation class 2 is appropriate has not been performed, and where a reasonable level of inquiry has not been performed. Class 1b is defined at 31.13(1)(a)(i) and is assigned where a UAA has not been developed but a reasonable level of inquiry has failed to identify any existing recreational class 1 uses of the water segment.

The Statement of Basis and Purpose of the Basic Standards discusses the "reasonable level of inquiry:"

The Commission intends that what constitutes a "reasonable level of inquiry" will be a case-specific determination, which will depend on factors such as the size and location of the segment in question and what is known about the presence or absence of primary contact uses for other similar water segments. It generally will be appropriate to direct inquiries to a variety of persons in the area with potential knowledge regarding uses of the water segment, such as to land owners, land management agencies, local governments, recreational user groups and/or Riverwatch coordinators or other school contacts.

A. Primary Contact Uses

The Basic Standards define primary contact uses as recreational activities where "the ingestion of small quantities of water is likely to occur." The regulation provides a list of example primary contact recreational uses such as swimming, rafting, kayaking, tubing, windsurfing and water-skiing. However, this is not an exclusive list of activities. As a result of recent rulemaking hearings, the Commission has determined that in some circumstances water play by children is a primary contact use.

Children, due to their size and types of play and behavior (hand to mouth) are at greater risk of ingesting small quantities of water during water play in surface waters. In appropriate circumstances as elaborated below, the Commission considers water play by children to be primary contact recreation that requires a primary contact classification because of the potential exposure pathways and recognized immunological susceptibilities of children. Existing use by children is included in Recreational Class 1a. Potential use by children is

included in the Recreation 1b classification. The Commission offered the following explanation in the Statement of Basis and Purpose for the July 2001 rulemaking hearing (Regulation Nos. 34, 35 and 37):

There was considerable evidence and testimony submitted in this hearing regarding what activities should be considered primary contact recreation. Section 31.13(1)(a) of the Basic Standards provides a non-exclusive list of primary contact activities. In this hearing, much discussion focused on the issue of whether "child's play" in streams that are too shallow to accommodate the primary contact uses listed in the Basic Standards should be considered a primary contact use. The Commission does not believe that a theoretical potential for child's play means that all streams should be classified Recreation Class 1a or 1b. However, the Commission concludes that the evidence submitted demonstrates that there is a potential risk of ingestion of small quantities of water by children playing in relatively shallow streams, based on the hand-to-mouth pathway, which warrants Recreation Class 1 protection in appropriate circumstances as elaborated below. Thus, such ingestion may occur in streams where whole body immersion is not likely.

This does not mean, as suggested by some, that all water bodies would be reclassified as Recreation Class 1a or 1b based on some potential for child's play. Rather, the Commission intends that a stream should be classified Recreation Class 1a or 1b due to the presence or potential for child's play only where the evidence demonstrates a likelihood of such activity on a frequently occurring basis. Therefore, child's play may be an appropriate basis for a Recreation Class 1a or 1b classification in a developed area where there is easy access to a stream for children and it is likely that children will desire to play in the stream; it may not be an appropriate basis for such classifications in areas where it is not expected that children will be playing in a stream on a frequently occurring basis. Factors such as lack of adequate flow, excessive flows, remoteness from developed areas, physical limitations to access, steep banks, and visibly poor water quality may make it unlikely that child's play will take place on a frequently occurring basis. The Commission anticipates that these classification decisions will require case-by-case judgments until more experience is gathered with this issue.

B. Considerations in Assigning Recreational Use Classifications

This Guidance provides a three-step process for examining existing and potential recreational uses. Generally, a suite of factors needs to be considered in determining whether a segment has the potential to support primary contact recreational uses. Step I involves screening to identify any existing primary contact uses. Step II assesses the water body's potential to be used for water play by children. Step III assesses the ability of the physical conditions to support other primary contact recreation. These steps are described below.

Step I - Identify Existing Uses

The Basic Standards require that all existing uses must be protected (see Basic Standards, section 31.6(1)(d)). Therefore, the initial consideration is what recreational use is currently occurring in the water body. If primary contact use is in place, class 1a use must be assigned and no downgrading is possible. EPA regulations require that if a use has been in

place since November 28, 1975 (the effective date of the EPA's first water quality standards regulations), the use must be protected as an existing use.

Frequency of use is one factor that is important in assessing existing uses. As discussed in EPA's Advanced Notice of Public Rulemaking ("ANPRM") (Federal Register; Vol. 63, No. 129, July 7, 1998; pg 36752), these existing use designation decisions must be water body-specific determinations. The ANPRM states: 'if a few people on a few occasions "swim" in a water body,' that may not be sufficient to warrant an *existing* use designation. When frequency of use is evaluated, it is important to determine how closely the recreational use is monitored for the water body in question.

If it is determined that the use occurs on a basis too seldom to be deemed an "existing use," the question shifts to whether there is the potential for more frequent use, i.e., is the use limited by infrequent or insufficient flow or other factors. Potential use is discussed below.

Whether some uses are ill advised or unauthorized are factors, which may influence conclusions regarding the frequency of use. If, for example, the evidence supports a conclusion that a particular recreation use has occurred, but on rare (very infrequent) basis, and is, further, an ill advised or unauthorized use, such facts may support a decision that the use is not an existing use. However, where there is existing use, it must be protected. EPA's Water Quality Standards Handbook states:

...even though it may not make sense to encourage use of a stream for swimming because of the flow, depth or the velocity of the water, the States and EPA must recognize that swimming and or wading may occur anyway. In order to protect public health, States must set criteria to reflect recreational uses if it appears that recreation will in fact occur in the stream. (preamble to 40 CFR 131.10)

The Division and Commission discourage recreation in situations where such activities are unlawful or ill advised due to risk of personal injury.

The Basic Standards direct that "Classifications should be for the highest water quality attainable. Attainability is to be judged by whether or not the use classification can be attained in approximately twenty (20) years by any recognized control techniques that are environmentally, economically, and socially acceptable as determined by the Commission after public hearings." (See Basic Standards, section 31.6(1)(e)). Steps 2 and 3 address the assessment of potential uses.

Step II - Assess Potential for Water Play by Children

As discussed above, potential water play by children may be an appropriate basis for a Recreation 1b classification in a developed area where there is easy access to a stream for children and it is likely that children will desire to play in the stream. On the other hand, factors such as lack of adequate flow, excessive flows, remoteness from developed areas, physical limitations to access, steep banks, and visibly poor water quality may make it unlikely that child's play will take place on a frequently occurring basis.

Step III - Assess Potential for Other Primary Contact Recreation

The final considerations are the ability of the water body's physical conditions to support primary contact recreation and an assessment of access restrictions that prevent attainment of the use. County master plans, open space plans, and National Forest plans are all sources of information regarding institutional intended uses. The following factors are also important when determining whether there is potential for primary contact use in the next 20 years. The inter-relationship of these factors should be considered in performing a UAA.

Access: The assessment must consider factors that enhance as well as factors that limit access to the water body. The central question regarding access restrictions is whether or not the restrictions prevent attainment of primary contact recreation. Where access restrictions make primary contact uses less likely but do not prevent such uses, access should be viewed as one of the many factors that must be considered concurrently. Ultimately, based on case-specific information, the Commission must decide whether access restrictions prevent attainment of the use or not.

Allowable Access: The Division considers the public/private land ownership pattern, the current owner's access restrictions, and the likelihood that restricted access will continue for 20 years. This issue has been discussed by the Commission, particularly in respect to the potential for a primary contact recreation classification of state waters on private land to create an expectation of a right to access. The Commission offered the following explanation in the Statements of Basis and Purpose for the July 2001 rulemaking hearings for Regulation Nos. 34, 35 & 37:

A recreation Class 1a or 1b classification of a segment is not intended to imply that the owner or operator of property surrounding any water body in a segment would allow access for primary contact recreation. The application of recreation classifications to state waters pursuant to these provisions does not create any rights of access on or across private property for the purposes of recreation in or on such waters. A recreation Class 1a classification is intended to only affect the use classification and water quality standards of a segment, and does not imply public or recreational access to waters with restricted access within a segment.

The Division has supported the following recommendations to the Commission regarding specific access situations where a reasonable level of inquiry has provided no evidence of existing primary contact recreation but there is adequate flow. These recommendations have been adopted by the Commission:

- On public property, where there is a local ordinance prohibiting use, but there is no sign, no fence or other access restriction, the Division has recommended class 1b due to the fact that the potential for primary contact recreation is present.
- On public property, where there is a local ordinance prohibiting use and this prohibition is posted, but there is no fence or other access restriction, the Division has recommended class 1b due to the potential for primary contact recreation (see COLCLC17).

- On public or private property, where there is a local ordinance (or private restriction) prohibiting use and this prohibition is posted; there is a fence or other access restriction; there is the ability and willingness to enforce the prohibition; and the prohibition is likely to last for 20 years, the Division has recommended class 2 due to the lack of potential for primary contact recreation (see COSPCL14a, COSPBD03).

Physical Access: Other barriers and opportunities to access may also be considered including: the ability to reach the stream segment from upstream or downstream locations, the proximity of access points such as trails or roads, and the topography of the area all of which can make access easy or difficult.

Lakes and Reservoirs: The Division believes that in Colorado's arid climate, except in special circumstances, all lakes and reservoirs are used for, or have the potential for, primary contact recreation.

Flow conditions: Both high flow and low flow conditions can restrict primary contact uses. An example is a water body where the flows are too swift or deep for safe use during portions of the year, while at other times of the year transitional flows can support primary contact recreation. With respect to low flow conditions, the Division considers that any stream with water greater than wading depth when people are likely to be present, has adequate flow for potential primary contact recreational use.

Hydrologic modification resulting from the exercise of water rights must be taken into account when assessing the current flow regime. Conversely, urbanization may create a routine flow due to landscape irrigation and runoff from impervious surfaces. Since channel characteristics (the product of geomorphic processes working with natural flow conditions) may no longer represent current modified flow conditions, an evaluation of the current flow pattern is recommended.

Two types of segments present complications to the recreational use assessment process. One is "all tributary" segments that include a large number of streams with flow regimes ranging from perennial and intermittent to ephemeral. The other is segments where some portion of the segment is intermittent and other portions are perennial due to diversions or a continuous discharge that creates a perennial flow regime that would not exist otherwise. Both types will need case-by-case assessment and recommendations based on considering several factors concurrently.

Resegmentation may be appropriate, where the benefits of more specific segmentation outweigh the drawbacks of an increasingly segmented water body system. In addition, federal rules (40 CFR 131.10(g)(2)) explain that classifications for segments with created flow must be established as for other (natural) perennial waters.

Frequency of Flow: Water deeper than wading depth must be present at the same time that people are likely to be present. In an arid climate like Colorado's, many streams are dry for a portion of the year, and observers must have some additional guidance to determine the frequency of flow. In its evaluation, the Division considers whether or not there is evidence

of frequent flow. “Evidence of frequent flow” includes such factors as lack of vegetation in the channel and deposition of sand bars.

Other Physical Conditions: Other physical conditions of the water body may influence its potential to support recreational activities. Temperature (either thermal springs or cold temperatures) and visibly poor water quality (ferric oxide deposits) should be considered.

C. Additional Options in Assigning Classifications

Resegmentation: Water quality classifications and standards are adopted for identified segments of the state’s surface waters. Where conditions relating to existing or potential recreation uses are substantially different within different portions of an existing segment, one option is resegmentation. For example, where it is determined that one portion is ephemeral and inaccessible, precluding primary contact recreation, while other portions support frequently occurring primary contact uses, resegmentation may be appropriate.

Where resegmentation seems to be advisable, it is important to fully describe the new segments. Care should be taken to reflect the other uses correctly, specifically the aquatic life use and water supply use. Documentation should fully describe why resegmentation is appropriate.

Seasonal Classifications: In circumstances where conditions regarding existing and/or potential recreational uses differ substantially for different portions of the year, the Commission has adopted seasonal recreation classifications. For example, some streams conditions may support primary contact uses during the summer months, but not during the winter months. Where seasonal classifications are adopted, the precise dates of applicability of the different classifications will be dependent on site-specific circumstances.

Site-Specific Considerations: The administrative or institutional status of a site or segment may also be a relevant factor. For instance, if a segment is wholly contained on a former nuclear weapons facility, that fact must be taken into account. As in most Colorado standards issues, there is room in the decision making process for site-specific considerations. In some cases it may be appropriate to recommend to the Commission that a site-specific criterion be adopted that differs from the Basic Standards criterion for a specific recreation classification. The guidance for making decisions on site-specific issues is included in the Basic Standards (at 31.7(1)(b)(iii)) and the Basic Standards Statement of Basis and Purpose for the 1987 revisions (at 31.22).

IV. PROCESS FOR ASSIGNING RECREATIONAL USE CLASSIFICATIONS

A. Flow Chart: Recreational Use Classification Assessment

A flow chart is provided in Figure 1, which diagrams the three-step assessment process described above. The flow chart is a simplified representation of the assessment process. In some cases, it will be most appropriate to base decisions regarding potential uses on a weighted assessment that considers several factors concurrently. The generalized flowchart steps and sub-steps are explained below.

Step I. Identify Existing Uses

Ia. Is the water body used for primary contact recreation? Has it been used since November 28, 1978 for primary contact recreation? This question includes the “frequency of use” consideration that is discussed above. If the water body is or has been used for primary contact recreation, the use should be documented and the water body must be proposed as Recreation 1a. If not, proceed to step Ib.

Ib. Perform a reasonable level of inquiry to identify existing primary contact uses of the water body. What constitutes a “reasonable level of inquiry” will be a case-specific determination. It generally will be appropriate to direct inquiries to a variety of persons in the area with potential knowledge regarding uses of the water segment, such as recreational user groups, land owners, land management agencies, local governments, and/or Riverwatch coordinators or other school contacts.

Ic. Did the Inquiry identify existing primary contact uses? If so, the use should be documented and the water body must be proposed as Recreation 1a. If not, proceed to step Id.

Id. At this point, the Assessor must decide whether to continue the investigation and to pursue a UAA. If no further investigation is to be done, the inquiry should be documented and water body should be proposed as Recreation 1b. If more investigation will be undertaken, proceed to step II.

Step II Assess Potential for Water Play by Children

II. Determine if water play by children is likely on a frequently occurring basis. Factors to be considered are addressed above, but include: proximity to developed areas, physical access for children, and flow conditions. If water play by children is likely in this water body, document the inquiry and propose recreation class 1b; if not, proceed to step III.

Step III. Assess Potential for Other Primary Contact Recreation

IIIa. Do access restrictions or other special conditions prevent attainment of primary contact recreation? Is the restricted access likely to last for 20 years? If so, document no potential use and propose recreation class 2; if not, proceed to step IIIb.

IIIb. Is the water body a lake or reservoir? The Division believes that in Colorado’s arid climate, except in special circumstances, all lakes and reservoirs are used for or have the potential for, primary contact recreation. For lakes and reservoirs, document the inquiry and propose recreation class 1b; for rivers and streams, proceed to step IIIc.

IIIc. Could flow and other physical conditions support primary contact recreation? Low flow and high flow conditions can restrict primary contact recreation. For example, if a segment consistently has flows less than wading depth or is predominantly ephemeral, primary contact recreation is unlikely. Predominantly ephemeral streams flow only in response to precipitation or snowmelt, and connection to ground water is rare in frequency

and limited to only a portion of the segment. Other physical conditions such as temperature and visibly poor water quality should also be considered and documented.

If low flow or other physical conditions prevent attainment of the use, document no potential use and propose recreation class 2. If high flow conditions prevent attainment of primary contact recreation, document no potential use and propose recreation class 2. If flow conditions could support primary contact recreation, document the inquiry and propose class 1b.

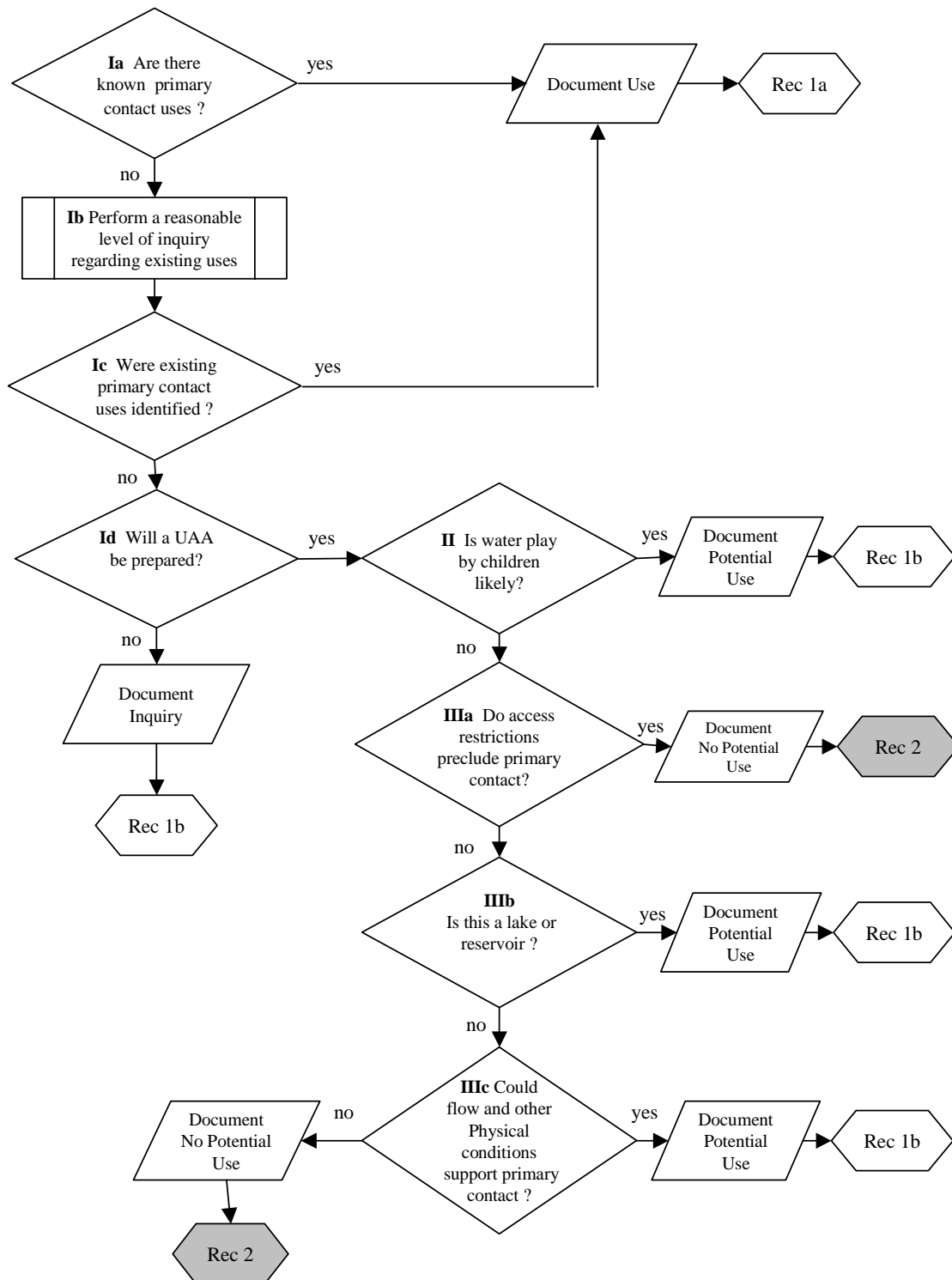


Figure 1 Recreational Use Classification Assessment

B. Recreational Use Classification Worksheet

A worksheet is provided as Attachment 1, which can be used to record the information gathered in the course of a recreational use attainability analysis. This worksheet generally follows the same structure and progression of questions as the flowchart.

- **LOCATION.** It is important to record the geographic extent of the analysis. Complete a separate worksheet for each segment or portion thereof. An explanation and key to Water body Identification (“WBID”) codes can be found as Attachment 2. If the assessment covers only a portion of a segment, please specifically identify the portion of the segment that is (or is not) covered by the assessment. Segment numbers can be obtained from the basin regulations (on the Commission’s website) or by calling the Division and asking to speak with the Assessment Unit staff.
- **SCREENING FOR EXISTING USES**
 - Based on conversations with recreational user groups, school contacts, local residents, landowners, and land managers, direct observation, or other appropriate information, describe *any* existing recreational uses that are known to occur in this water body.
 - Describe the *frequency* of primary contact uses.
 - Describe what inquiry has been made regarding existing uses. Record the contact’s name and summarize the findings.
- **ASSESSMENT OF POTENTIAL USES**
 - Water Play by Children: Due to proximity to developed areas, access opportunities and presence of flow when children are likely to be present, is water play by children likely to happen on a frequently occurring basis? Consider the location and the surrounding land use and anticipated population growth and land use changes.
 - Access: Is the segment easily accessible? Consider the access to the segment (roads and trail crossings, bike paths, public lands, steep slopes, etc). Consider improvements and facilities (campgrounds, picnic areas, swim beaches, boat ramps, docks etc). Consider access limitations (fences, private property, etc.). Consider anticipated infrastructure changes.
 - Specific Considerations: Are there important site-specific factors that should be taken into account when assigning recreational use classifications to this segment?
 - Type of Water body: Describe the water body type and the variability of the water body along its length. Are there pools?
 - Flow Conditions: Based on conversations with local residents, land owners, and land managers, direct observation, or available data, do portions of the segment that are accessible provide sufficient flow and/or depth for primary contact during times of the year when people may be present?
 - Other Physical Conditions: Describe any other known conditions such as temperature or visibly poor water quality that may affect the potential for use.

V. DEVELOPING A UAA TO SUPPORT A RECREATION CLASSIFICATION

A Recreational UAA is required to support a Recreation 2 classification, regardless of the criteria adopted to protect that classification. Completion of UAAs is recommended in cases where there is significant uncertainty about whether or not the current recreation classification is appropriate. The Division is interested in receiving the information compiled, regardless of which recreation classification is determined to be appropriate.

A UAA is a structured assessment of the factors affecting the attainment of uses specified in Section 101(a)(2) of the CWA (recreation in and on the water and the protection and propagation of fish, shellfish, and wildlife). For recreational uses, the factors to be considered in such an analysis include the factors discussed above, specifically: existing uses, flow conditions, physical access, and proximity to developed areas. Other considerations may be appropriate in site-specific situations.

A Recreational UAA must contain enough information to support the Commission's decision about whether the national goal of recreation in and on the water of a particular segment is attainable. The UAAs, for segments where the Commission adopts Class 2, will be the permanent record of the evidence for that decision. The Division will review existing UAAs at each periodic Basin review to determine whether the factors that lead to the Class 2 decision have changed. If no relevant factors have changed, the previous UAA may be relied upon; if such factors have changed, the UAA needs to be modified to address these changes. As such, it is important that the UAA contains enough information to support the Commission's decision. Supporting information may include, for example:

- completed worksheet,
- representative photographs,
- recent depth measurements for a range of flow conditions and at multiple locations (generally, the number of locations should increase for larger segments) - measurements may be most appropriate for pools located within the segment,
- recent flow/velocity information, ideally for multiple years,
- maps showing location of the segment and any developed/residential areas near the segment,
- information regarding the number of people living near the segment,
- descriptive information regarding features that enhance access (trails, roads, parks, etc.) including, e.g., how many people use the trails, how close is the trail to the segment, etc.
- descriptive information regarding features that diminish access (fences, private property, etc.) including, e.g., how tall is the fence, are there guards, are there signs, etc.

Attachment 3 contains a UAA, (worksheet, student survey and student survey results) that was prepared by the North Front Range Planning Association and presented as evidence for the July 2000, hearing for Regulation No. 38. It also contains a UAA that was completed by the Division with the help of Cripple Creek and Victor Mining Company for the July 2002 hearing for Regulation No. 32. The Commission has also accepted other UAAs.

A. Site-Specific Information

It must be clear that the information included in the UAA pertains to the segment that is being assessed. Broad, general conclusions are inappropriate.

B. Present Evidence as well as Conclusions

The Recreational Use Classification worksheet serve as a convenient place to record and summarize the information used to develop the UAA. However, it is important to include the evidence as well as the conclusions in the UAA itself. The following table provides some examples of conclusions and supporting evidence.

Examples of Conclusions and Supporting Evidence	
Need Additional Evidence	Appropriate Evidence
Seasonal classification is appropriate because it is too cold in the winter.	Seasonal classification is appropriate because the elevation of this segment is all above 8000 ft. Winter ice cover precludes use in the winter.
No one recreates in these streams.	Conversations with John Doe, landowner, and Jane Buck, USFS Recreation Officer, indicate that they have never heard of or seen anyone playing/recreating in these water courses. They are both long-time residents. The limited access and usually dry streambeds combined with other nearby water where people can and do play, support this conclusion.

Since space on the worksheet is limited, it may be necessary to attach completed surveys, analytical data or additional sheets as needed to provide the Commission with adequate information to reach a conclusion.

C. Summary of Discussion with Potential User Groups

One important aspect of a Recreational UAA is the discussion with potential user groups regarding their knowledge of the actual uses. As with class 1b, a “reasonable level of inquiry” should be performed to ensure that a range of perspectives is examined. The Division supports the use of formal surveys that include high school and middle school children, local land owners and land managers wherever possible. As stated in the Statement of Basis and Purpose for the Basic Standards: “It generally will be appropriate to direct inquiries to a variety of persons in the area with potential knowledge regarding uses of the water segment, such as to land owners, land management agencies, local governments, recreational user groups and/or Riverwatch coordinators or other school contacts.” User group information is particularly an issue when determining the status of segments where there is clearly adequate flow. Those parties interested in conducting a recreation use survey are encouraged to work with the Division on the content of the survey to ensure that all the needed information is collected.